

**BOARD OF PSYCHOLOGY**

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**BOARD OF PSYCHOLOGY
Quarterly Board Meeting****Open Session Minutes**

**Hyatt Regency Islandia
1441 Quivira Road
San Diego, CA 92109**

Friday, August 16, 2002

The open session meeting was called to order by the Acting President, Pamela Harmell, Ph.D. at 9:02 a.m. A quorum was present and due notice had been sent to all interested parties.

Present were:

Pamela Harmell, Ph.D., Acting President
Howard Adelman, Ph.D.
Mary Ellen Early
Jacqueline Horn, Ph.D.
Lisa Kalustian
Ronald Ruff, Ph.D.
William Tan
William Thomas, Ph.D.

Others Present:

Thomas O'Connor, Executive Officer
Laura Freedman, Legal Counsel
Robert Miller, Deputy Attorney General, Office of the Attorney General
Jeffrey Thomas, Assistant Executive Officer
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement Coordinator
Karen Johnson, Licensing/Examination Coordinator
Diana Crosby, Administrative Technician

Agenda Item #1 –New Board Member Orientation

Dr. Harmell opened the meeting by introducing the new board members and asking each new member to present a brief biography. Dr. Harmell explained that new appointed public member, Myra Scott Reifman, could not attend the meeting because of a recent surgery.

Dr. Harmell deferred to Mr. O'Connor to begin the new board member orientation. Mr. O'Connor recommended that all new board members attend the board member orientation periodically provided by the Department of Consumer Affairs (DCA) as well as the legislative training also provided by the DCA. Mr. O'Connor informed the new members of the board's mission and vision and emphasized that the purpose of the board is to protect the health, safety

and welfare of the consumer. He provided a brief history of the board and explained the board's relationships with various organizations such as the Association of State and Provincial Psychology Boards, the American Psychological Association, the American Board of Professional Psychology, the California Psychological Association, and other organizations that are associated with the practice of psychology.

Mr. O'Connor deferred to the board's Legal Counsel, Laura Freedman, to discuss the Bagley-Keene Open Meeting Act. Ms. Freedman explained what the act is, why it exists and why the board must comply with it. She explained that the definition of a meeting includes the presence of three or more board members who discuss the business of the board. She noted that there are procedural requirements which must be met prior to the meeting and explained in detail various aspects of meeting protocol.

Kathi Burns, Enforcement Coordinator, explained the consumer complaint process from intake and initial review/expert review through when a determination is made as to whether to pursue appropriate action or to close the case.

Robert Miller, Deputy Attorney General, discussed the Administrative Procedures Act including aspects of case evaluation and development upon transfer to the Office of the Attorney General. Mr. Miller discussed petitions to compel psychological evaluations, Statements of Issues and Accusations, Disciplinary Guidelines, evidentiary issues, stipulated settlements, and the administrative hearing process.

Ms. Freedman explained the board's role in acting on proposed decisions and defined "ex-parte communications" to ensure that the board members understood how to avoid engaging in such inappropriate contacts.

Ms. Freedman outlined the regulatory process for the members. In closing the orientation, Ms. Freedman addressed the issues of incompatible activities, conflicts of interest, recusal and abstention, general ethics and the Form 700 which all appointees must complete upon taking office and annually while in office.

Agenda Item #2 – Kathleen Hamilton, Director, Department of Consumer Affairs

Ms. Hamilton provided a brief description of her responsibilities as Director of the Department of Consumer Affairs. She took the opportunity to inform the members about the Consumer Advocacy Center (CAC) Annual Meeting to be held November 13, 14 & 15 in San Francisco. She informed the board that DCA is a sponsor of this CAC Annual Meeting.

Ms. Hamilton discussed the recently revised DCA complaint disclosure policy recommendations and encouraged the members to review the board's own policy and attempt to align it with the DCA recommendations where appropriate.

Ms. Hamilton concluded by thanking the members for their commitment to consumer protection.

Agenda Item #4 – Approval of May 10 – 11, 2002 Open Session Minutes (taken out of order)

It was M(Early)/S(Tan)/C to approve the May 10, 2002 open session minutes with minor corrections.

VOTE: 8 – 0

Agenda Item #3 – New Board Member Orientation

Diana Crosby, the board's Administrative Services Technician, explained administrative policies and procedures and provided instructions on the completion of forms required for reimbursement for travel and per diem. Ms. Crosby reviewed other documents related to service on the board for which the new members need instruction.

Jeffrey Thomas, the board's Assistant Executive Officer, explained the policy regarding exception to the continuing education requirements. He also presented the board with the application form that must be completed and submitted by licensees who are applying for an exception. The Continuing Education Committee and the full board will be reviewing these forms as licensees submit them and will benefit from this informal review.

The board adjourned into closed session at 3:50 p.m.

Saturday, August 17, 2002

The open session meeting was called to order by the Acting President, Pamela Harmell, Ph.D. at 8:30 am. A quorum was present and due notice had been sent to all interested parties.

Present were:

Pamela Harmell, Ph.D., Acting President
Howard Adelman, Ph.D.
Mary Ellen Early
Jacqueline Horn, Ph.D.
Lisa Kalustian
Ronald Ruff, Ph.D.
William Tan
William Thomas, Ph.D.

Others Present:

Thomas O'Connor, Executive Officer
Laura Freedman, Legal Counsel
Jeffrey Thomas, Assistant Executive Officer
Kathy Bradbury, Administrative Services Coordinator
Kathi Burns, Enforcement Coordinator
Karen Johnson, Examination Coordinator
Diana Crosby, Administrative Technician

Agenda Item #10 – President's Report – Dr. Harmell (Acting President)

a. Welcome and Introduction of New Board Members

Dr. Harmell welcomed all present and once again introduced the new board members recently appointed to the board.

b. Other President's Informational Items

None.

Agenda Item #11 – Executive Officer’s Report – Mr. O’Connor

a. DCA New Board Member Orientation

Mr. O’Connor reported that the DCA will conduct a New Board Member Orientation on October 16, 2002 in Los Angeles. All new board members are encouraged to attend. There will be other orientation sessions available at later dates and other locations for those that are unable to attend the upcoming session.

b. Elections and Committee Assignments

Mr. O’Connor explained the importance of holding elections and making committee assignments. He recommended the board hold elections at this meeting to formally elect a president and vice-president. He distributed the board policy explaining the duties and responsibilities of the President and Vice-President. Dr. Harmell requested that the board members advise her which committees interest each of them. The president will take this feedback into consideration in making committee appointments.

c. CPA Appoints New Executive Director – Claudia Foutz

Mr. O’Connor introduced Claudia Foutz, the newly appointed Executive Director of the California Psychological Association (CPA). Ms. Foutz explained her work history and indicated that prior to becoming the Executive Director of CPA, she served as the Executive Director of the Arizona Medical Board, Executive Director of the California Optometric Association, and Chief Deputy Director of the Department of Consumer Affairs. She expressed that she is looking forward to this new working relationship with the Board of Psychology.

d. Budget Update, Staffing Update

Mr. O’Connor reported that as of the meeting date, no agreement had been reached on the FY 02/03 State Budget. As a result of this he canceled the out of state trip to attend the American Psychological Association Convention in Chicago, IL. He further indicated that it may affect the board’s ability to send a representative to the Association of State and Provincial Psychology Boards’ Annual Meeting in October.

Mr. O’Connor explained to the board that currently there are no vacancies on the board’s staff. He explained that inasmuch as there is a hiring freeze on and that State positions that are vacant for six months are eliminated pursuant to law, this process will have no effect on the board’s positions.

Mr. O’Connor reported that the board held a regulation hearing at its May 2002 meeting to reduce the initial license and renewal fees in order to reduce the Psychology Fund. He advised that these regulations are being suspended because the proposed State Budget includes a loan from the Board of Psychology’s fund in the amount of \$5 million. Reducing the fund by \$5 million will make a fee reduction impossible at this time.

e. Consumer Advocacy Center Annual Meeting – November 13 – 15, 2002

Mr. O’Connor pointed out that the Consumer Advocacy Center (CAC) Annual Meeting dates (November 13 – 15) conflict with the board’s November 14 – 16 meeting dates. It was decided that Mr. O’Connor and Dr. Ruff would attend only the first day of the CAC meeting to show support while not interfering with the board’s Strategic Planning and meeting dates.

f. 2002 and 2003 BOP Meeting Calendars

Mr. O'Connor mentioned the board's events calendars were included for the board members' information to ensure that they are aware of the dates of all scheduled events. No changes were made to either calendar.

g. ASPPB Annual Meeting – October 17 – 20, 2002, Point Clear, AL

Mr. O'Connor stated that, with regard to the ASPPB Annual Meeting October 16 – 20, 2002, he may not be attending unless a state budget plan is adopted soon.

h. Other Executive Officer's Informational Items

Mr. O'Connor referred to a letter from Judith Blanton, Ph.D. along with his response. Dr. Blanton's letter addressed issues regarding training and supervision as they relate to non-clinical psychologists. He commented in his response that he would bring these issues to the attention of the board.

Mr. O'Connor also presented a letter that he received from Nancy Gardner, Ph.D. with the Los Angeles County Psychological Association inviting him to attend their Annual Convention on October 26, 2002. Mr. O'Connor also included his response accepting the invitation.

Agenda Item #12 – Legal Counsel's Report – Ms. Freedman

None.

Agenda Item #14 – Regulations Update – Mr. Thomas (taken out of order)

a. Fee Reduction Regulations: Suspended

Mr. Thomas reported that the regulation proposal to reduce the biennial renewal and initial license fees for psychologists has been suspended for the time being pending a potential \$5 million loan by the Legislature from the Board of Psychology's fund.

b. Supervision Training Requirement

Mr. Thomas reported that the regulation proposal requiring primary supervisors to take six hours of supervision coursework every two years has been approved. This proposal was approved by the Office of Administrative Law on July 17, 2002 and will apply to any supervised professional experience accrued on or after January 1, 2003. Mr. Thomas indicated that these regulations will affect those licensees who serve as primary supervisors and will eliminate the one-time six hour supervision training requirement and initiate a requirement for six hours of supervision coursework every two years.

c. Other Regulation Update Informational Items

None.

Agenda Item #15 – Continuing Education Update – Mr. Thomas (taken out of order)

a. Continuing Education Statistics

Mr. Thomas referred the board to the continuing education non-compliance report provided by the MCEP Accrediting Agency. He explained the report to the board and pointed out that for the most recent month reported by the Accrediting Agency, there was a non-compliance rate of 12%. Mr. Thomas informed the board that the average monthly non-compliance rate over the past year has been 13%. He also answered questions posed by the board regarding the non-compliance statistics.

b. Presentation re: Prescribing Psychologists Register, Inc.

John T. Kennedy of Nossaman, Guthner, Knox and Elliott, LLP made a presentation to the board on behalf of Prescribing Psychologists Register, Inc. (PPR). Mr. Kennedy informed the board that PPR is requesting that courses that are provided by PPR and its approved sponsors be accepted for continuing education credit without first having to receive approval from the MCEP Accrediting Agency. He provided information and background to the board in support of PPR's request. Mr. Kennedy then responded to questions posed by the board.

Some concerns were raised by board members, therefore, it was determined that this issue needs to be deferred to the continuing education committee and discussed at a future meeting. Mr. Kennedy indicated that he will research and respond to the board's concerns prior to the next meeting.

c. Other Continuing Education Update Informational Items

None.

Agenda Item #13 – Regulation Hearings (10:00a.m.)

a. Continuing Education Exceptions

Dr. Harmell conducted the regulation hearing on the proposed amendments to the regulations relating to continuing education exceptions. It was M(Early)/S(Tan)/C to adopt the proposed regulations as amended.

VOTE: 8 – 0

b. EPPP Fee

Dr. Harmell conducted the regulation hearing on the proposed amendments to the regulations relating to the EPPP fee.

It was M(Kalustian)/S(Horn)/C to adopt the proposed regulations as amended.

VOTE: 8 – 0

It was M(Tan)/S(Kalustian)/C to give the authority to staff to make non-substantive changes to the two regulatory proposals as needed without having to come back before the board.

VOTE: 8 – 0

Agenda Item #16 – Credentials Committee Report – Dr. Harmell

a. Applicant R.E. – Request for an Extension of the 30 Consecutive Months to Accrue Post-Doctoral Supervised Professional Experience Pursuant to Regulation Section 1387(a)

The Credentials Committee discussed R.E.'s request and, after consulting with legal counsel, determined that the board does not have the legal authority to waive the 30 consecutive month requirement in the California Code of Regulations, section 1387(a).

M(Credentials Committee)/C to deny R.E.'s request for an Extension of the 30 Consecutive Months to Accrue Post-Doctoral Supervised Professional Experience.

b. DRAFT SPE Agreement and Verification Form

Mr. O'Connor stated that this is just a first draft and that further review is necessary and requests the board review the form and provide comments and/or edits to the Credentials Committee at the November meeting.

c. Applicant K.C.P. – Plan for Supervised Professional Experience in Psychological Research

M(Credentials Committee)/C to approve K.C.P.'s request to earn hours of supervised professional experience in the area of psychological research.

d. Applicant E.W.T. - Plan for Supervised Professional Experience in Psychological Research

The Credentials Committee will need additional information about the research before they can reach a decision. The Committee has instructed staff to request E.W.T provide additional information to be presented at the November board meeting.

e. Applicant F.A.K. – Plan for Supervised Professional Experience in Psychological Research

M(Credentials Committee)/C to approve F.A.K.'s request to earn hours of supervised professional experience in the area of psychological research.

f. Applicant S.O.S. – Plan for Supervised Professional Experience in Psychological Research

M(Credentials Committee)/C to approve S.O.S.'s request to earn hours of supervised professional experience in the area of psychological research.

g. Other Credentials Informational Items

Applicant E.T.H. - Plan for supervised professional experience in psychological research, and a plan for alternative supervision

M(Credentials Committee)/C to approve E.T.H.'s request to earn hours of supervised professional experience in the area of psychological research, and to approve a plan for alternative supervision only while doing psychological research at the research setting.

Applicant K.C.B. - Plan for supervised professional experience in psychological research, and a plan for alternative supervision

M(Credentials Committee)/C to deny K.C.B.'s request to earn hours of supervised professional experience in the area of psychological research due to the fact that his supervisor is not licensed and, therefore, not qualified to supervise.

Agenda Item #17 – Examination Committee Report – Staff

a. 2002/2003 CJPEE Development Workshops

Mr. O'Connor reported that the Office of Examination Resources (OER) will make a presentation at the November board meeting. He stated that staff has been working with OER to develop a schedule of workshops for examination development for the CJPEE. Mr. O'Connor explained the different types of workshops necessary for this process.

Dr. Horn commented that she has participated in previous workshops and stated that it was a tremendous process and challenging for the participants.

b. Other Examination Informational Items

None.

Agenda Item #18 – Enforcement Committee Report – Staff

a. DCA Complaint Disclosure Policy

Mr. O'Connor presented the DCA's complaint disclosure policy and briefly outlined its recommendations. One of the recommendations is to disclose complaints to the public at the point that the complaint is referred to the Office of the Attorney General for the filing of an Accusation. Currently, the board discloses complaint information only once an Accusation has been filed. A memo from Carlos Ramirez, Senior Assistant Attorney General, states that disclosure at the point of referral to the Office of the Attorney General is not recommended at this time since there is no statutory authority to allow such disclosure. Mr. O'Connor reported that this issue will continue to come before the board and that they will need to review the current disclosure policy with consideration of the DCA's policy and the recommendations from the Office of the Attorney General.

b. Enforcement Statistics

Ms. Burns addressed the statistics provided and answered general questions from board members.

c. Expert Reviewer Nominations

The board deferred the review of expert nominations to the Enforcement Committee for the November board meeting.

d. Disciplinary Guidelines

Ms. Burns explained that the Disciplinary Guidelines were thoroughly reviewed by the board members at the May 2002 meeting and that the draft guidelines presented today are a final draft resulting from the May 2002 meeting. It was M(Thomas)/S(Harmell)/C to adopt the guidelines as presented.

VOTE: 8 – 0

The board directed staff to prepare regulations to adopt the September 1, 2002 amended version of the Board of Psychology's Disciplinary Guidelines.

e. Telemedicine – Section 2290.5 Business and Professions Code

Ms. Freedman explained that section 2290.5 of the Business and Professions Code is actually located in the Medical Board Practice Act; however, it institutes a requirement with which psychologists must comply. This law requires the health care practitioner to provide the patient or his/her representative with verbal and written informed consent prior to the delivery of health care services via telemedicine.

f. Other Enforcement Informational Items.

None.

Agenda Item #19 – Legislation Committee Report – Ms. Early

a. AB 269 (Correa) – Consumer Protection

Ms. Early reported that AB 269, which adds Business and Professions Code Section 2920.1 making protection of the public the highest priority for the Board of Psychology, was signed by Governor Davis on July 5, 2002.

b. SB 557 (Figueroa) – Internet Transaction Convenience Fee

Ms. Early reported that SB 557, which would prohibit state agencies from charging a convenience fee to the public using the Internet to transact state business, is inactive.

c. SB 564 (Speier) – Training in Spousal/Partner Abuse

Ms. Early reported that the board has not taken a position on SB 564. SB 564 would require training in spousal or partner abuse treatment.

d. SB 953 (Vasconcellos) – Training in Elder Issues

Ms. Early reported that SB 953 would add Business and Professions Code Section 2915.7 to require applicants for licensure to complete a 3-hour course in aging and long-term care in order to become licensed. It would also require licensees to take this training for the first renewal of the license after the bill becomes effective. She informed the board that the bill is currently on suspense file in the Assembly Appropriations Committee.

e. SB 2025 (Figueroa) – Sunset Extension

Ms. Early reported that SB 2025 would extend the Sunset Review for the board to January 1, 2007, a one year extension from the previous Sunset Review date. Mr. O'Connor informed the board that this bill got out of the Senate Appropriation Committee on consent earlier in the week .

f. SB 2059 (Figueroa) – Complaint Disclosure

Ms. Early reported that SB 2059 regarding complaint disclosure was dropped by its author.

g. SB 1950 (Figueroa) – Medical Board of California Legislation

Ms. Early reported that SB 1950, the Medical Board of California's Sunrise bill, was included as an information item only.

h. AB 470 (Chu) – Mental Health: Involuntary Confinement

Ms. Early reported that AB 470, which would have provided psychologists who are directly responsible for a patient an opportunity to make determinations regarding initial detention for evaluation and treatment of the patient, failed passage in the Senate Health Committee.

i. Senate Constitutional Amendment No. 7

Ms. Early reported that the Senate Constitutional Amendment No. 7 would increase citizen access to government records but would compromise boards' abilities to investigate and prosecute cases. She reported that the Department of Consumer Affairs has taken an oppose position on this amendment. The board voted unanimously to oppose this amendment.

M(Harmell)/S(Horn)/C to oppose SCA No. 7.

VOTE: 8 – 0

j. Other Legislation Informational Items

None.

Agenda Item #20 – Consumer Education Committee Report – Ms. Kalustian

a. Website Statistics

Mr. Thomas reported that in FY 2001-02, there were over 132,000 psychology licenses verified on the board's website. He also reported that there has been a steady increase in hits on the website since January 1998. Mr. Thomas noted that these statistics indicate both licensees and consumers are taking advantage of the services provided on our website.

b. BOP Update 10

Mr. O'Connor reported that we are starting to put together the next issue of the board's newsletter, the BOP Update. As we get items to include in the newsletter, we will be bringing them to the board for review.

c. Laws and Regulations Relating to the Practice of Psychology

Mr. O'Connor informed the board that the booklet containing the Laws and Regulations Relating to the Practice of Psychology is updated every year in order to capture any new legislation. Typically, they are produced by March. He further indicated that this year, due to problems with the State printing process, the booklets were not ready for distribution until early June.

d. For Your Peace of Mind: A Consumer Guide to Psychological Services (Spanish Version)

Mr. O'Connor informed the board that because of the board's healthy budget this fiscal year, the consumer pamphlet For Your Peace of Mind: A Consumer Guide to Psychological Services, was able to be produced in Spanish. It was originally in the board's Strategic Plan to write a Budget Change Proposal to obtain the funding for this project for next fiscal year.

e. Professional Therapy Never Includes Sex – Update

Mr. O'Connor reported that the publication Professional Therapy Never Includes Sex was edited over the past year and a new version has been produced and printed and is available on the board's website or by request via mail.

f. Other Consumer Education Informational Items

None.

Agenda Item #21 – Elections

It was M(Tan)/S(Thomas)/C to elect Dr. Pamela Harmell as President of the Board of Psychology.

VOTE: 8 – 0

It was M(Harmell)/S(Kalustian)/C to elect Mr. William Tan as Vice-President of the Board of Psychology.

VOTE: 8 – 0

Agenda Item #22 – Public Comment

Claudia Foutz, Executive Director of the California Psychological Association (CPA), acknowledged that CPA would like to explore forming a partnership with the board to put together a public service announcement and other joint public service ventures.

The open session meeting adjourned at 12:05 p.m.

Pamela Harmell, Ph.D.
President

Date